

# **STATE OF MAINE**

## **DEPARTMENT OF ENVIRONMENTAL PROTECTION**

### **NATURAL RESOURCES PROTECTION ACT**

#### **Application & Instructions for Cranberry General Permit**



Application for Permit  
Cranberry Cultivation  
**INSTRUCTIONS** 

**This form can be used by applicants requesting a State General Permit in accordance with the provisions of State law, Title 38 M.R.S.A. §480-U, and a Federal permit in accordance with the provisions of federal law, 33 USC 1413, §404. The instructions for completing this application are listed below.**

### GENERAL INFORMATION

The application must be filled out completely before it is submitted to the Department of Environmental Protection (DEP) and the U. S. Army Corps of Engineers (Corps). If you have any questions about a submission requirement, please call the appropriate DEP regional office. The telephone numbers are at the end of the instructions. Incomplete applications will be returned.

The Department encourages applicants to schedule pre-application meetings with regional staff to discuss application requirements and the application review process early in the planning process (see the DEP issue profile sheet on pre-application meetings).

The DEP has 15 days to review the application for completeness. Once accepted as complete, the DEP has 45 days to complete its review. The Department will notify you of its decision prior to the end of the 45 day review period. If you wish, you may call the appropriate DEP regional office at any time to check on the status of the application. Permits issued by the Department are valid for 2 years.

The Corps will review the application and will try to notify applicants about the status of the Corps permit within the DEP review times discussed above. Questions about the Corps review can be directed to the Maine Project Office. The address and telephone number are at the end of the instructions.

Permits from the municipality may also be required. Please make sure you have had contact with the local government, and have received all necessary permits before beginning construction.

### DEFERRALS

The 45 day time limit for processing a complete application does not apply when winter conditions prevent the DEP from evaluating a permit application. Under such circumstances, the DEP can defer action for a reasonable period. The applicant will be notified of any necessary deferrals.

### SUBMISSIONS

Please submit **five (5) complete copies** of the application to the appropriate DEP regional office (addresses on page 3).

### SECTION 1. APPLICANT INFORMATION

**Name of applicant.** Write in the name(s) of the landowner or a person that has legal title, right, or interest in all of the property to be affected by the project. If the landowner is an agency, company, corporation, or other

organization, please include the organization's name and the name of a person in authority we can contact about the project.

**Street/Box #, City, State, Zip.** Write in the full mailing address of the applicant. The DEP and the Corps will mail copies of any letters to this address.

**Telephone #.** Write in the applicant's daytime telephone number, including the area code. This should be a number where the applicant can usually be reached during normal working hours. If the applicant can not be reached during normal working hours, it may be helpful to have a local contact or agent (see below).

**Local Contact or Agent.** The DEP and the Corps do not require an agent for this application. If the applicant has chosen to have a local contact or agent, please provide the name of that person. The agent can be an attorney, contractor, engineer, or other person willing to provide assistance. Agency staff will call the contact agent first if we have questions. The applicant will always be copied on any letters written about the project.

Please write the full mailing address of the agent. The DEP and the Corps will send original letters to this address. Also, write the full telephone number where the agent can be reached during normal working hours. Quick answers can help minimize delays in the application process.

## **SECTION 2. PROPERTY INFORMATION**

**Name of Wetland, if named.** Please write in the name of the wetland that will be altered - as it appears on the U.S.G.S. topographic map. If the wetland does not have a name, please write "unnamed".

**Nearest Road, Street, or Route Number.** Please write in the name of the public road closest to the project site.

**Tax Map #, Tax Lot #.** Write in the town tax map and lot number for the property where the project will be located. You can get these numbers from the local tax assessor.

**City/Town, County.** Please write the name of the town or city, and county where the project will be located. This may be different from the applicant's mailing address.

**Name(s) of any person previously contacted at the DEP or Corps.** Write in names of all agency staff that you have previously contacted about this project.

## **SECTION 3. ATTACHMENTS**

Please attach all requested information. Label each attachment with the correct exhibit number. It will be helpful if the exhibits follow the cover sheet and signature sheet, and are in numerical order. Site plans may be larger than 8½" by 11". However, at least one set of 8½" by 11" plans must be submitted. Larger plans should be folded to no larger than an 8½" by 11" size. Please make sure that plans are clear, easy to read, and contain all of the information listed on the application form.

**NOTE: All plans, and engineering documents must be signed, dated and stamped by a professional engineer.**

**For the Corps review, at least one set of project plans must be on 8 1/2" by 11" size paper. They must be clear, reproducible, and legible; and each sheet (including the location map) must have a consistent title block, numbering scheme, and date. PLEASE NOTE THAT REDUCTIONS OF LARGE SCALE PLANS ARE NOT GENERALLY ACCEPTABLE TO THE CORPS. The wetland delineation must be completed using the 1987 Corps of Engineers Wetland Delineation Manual, unless otherwise approved by the Corps. A COPY OF THE DELINEATION REPORT MUST BE SUBMITTED.**

#### SECTION 4. ATTACHMENTS FOR CORPS REVIEW

The attachments in this section only apply to the federal permit requirements. The DEP general permit does not require this information, and these exhibits will not be reviewed by the DEP. However, the application will not be complete without all of these exhibits. Questions about this section should be directed to the Corps staff.

#### SECTION 5. FEES

Please be sure to attach a check for the application fee of \$199.00. Applications received without the proper fee will be returned. Make checks payable to: Treasurer State of Maine.

#### SECTION 6. SIGNATURE

Please read this section of the application carefully. If you do not understand the terms you are agreeing to, please call the DEP for clarification. The application must be signed by the applicant, or an agent legally authorized to act on behalf of the applicant. The agent authorization only allows the agent to answer questions and act on the applicant's behalf during the application process. The applicant is still responsible for making sure the project meets all of the requirements for a general permit.

#### VIOLATIONS

Any actions taken that are not in compliance with the standards of the general permit or the approved plans are a violation of the general permit and may be subject to enforcement action by the DEP and/or the Corps.

**AGAIN, IF YOU HAVE ANY QUESTIONS, PLEASE CALL THE APPROPRIATE DEP REGIONAL OFFICE. OFFICE LOCATIONS AND TELEPHONE NUMBERS ARE LISTED BELOW. A MAP OF THE DEP REGIONAL BOUNDARY LINES IS ATTACHED FOR YOUR REFERENCE. THE CORPS ADDRESS AND TELEPHONE NUMBER ARE ALSO LISTED BELOW.**

##### **Southern Maine:**

Department of Environmental Protection  
Bureau of Land and Water Quality  
312 Canco Road  
Portland ME 04103  
207-822-6300

##### **Central Maine:**

Department of Environmental Protection  
Bureau of Land and Water Quality  
17 State House Station  
Augusta ME 04333-0017  
207-287-2111

##### **Eastern Maine:**

Department of Environmental Protection  
Bureau of Land and Water Quality  
106 Hogan Road  
Bangor ME 04401  
207-941-4570

##### **Northern Maine:**

Department of Environmental Protection  
Bureau of Land and Water Quality  
1235 Central Drive  
Presque Isle ME 04769  
207-764-0477

##### **U.S. ARMY CORPS OF ENGINEERS**

Maine Project Office  
RR2 Box 1855  
Manchester, ME 04351  
207-623-8367\*

For CORPS Office Use Only		For DEP Office Use Only	
App. #		File #	<b>L</b> –
Office Code		Fee Paid	
Date Received		Date Received	
Date Completed		ATS #	

## APPLICATION FOR PERMIT

### CRANBERRY CULTIVATION

This form can be used by applicants requesting a State General Permit in accordance with the provisions of State law, Title 38 M.R.S.A. §480-U, and a Federal permit in accordance with Federal law, 33 USC 1413, §404. Instructions are attached.

**PLEASE TYPE OR PRINT:**

#### *APPLICANT INFORMATION:*

Name of Applicant			
Street/Box #			
City			
State		Zip	
Telephone #			

Local Contact or Agent			
Street/Box #			
City			
State		Zip	
Telephone #			

#### *PROPERTY INFORMATION:*

Name of Wetland, if named			
Nearest Road, Street, or Route Number		Tax Map #	Tax Lot #
City/Town		County	
Name of Any Person Previously Contacted at the DEP or CORPS			

**ATTACHMENTS:**

- A. **Attach as Exhibit #1** written certification by a knowledgeable professional that the cranberry cultivation project will not be located in a wetland that has special characteristics. Please see attached form, page #7.
- B. **Attach as Exhibit #2** site plans\*, drawn to scale, that include the following elements:
1. A location map, using a USGS topo sheet with the project location clearly marked
  2. A plan view showing existing and proposed beds, dikes, ditches, roads, ponds, and other appurtenant facilities (include north arrow)
  3. Cross-sectional drawings of beds, dams, dikes, ditches, and ponds (reference on the plan view)
  4. Length, width and depth of beds, dikes and ditches
  5. Delineation of the wetland boundaries and calculated area of wetlands affected \*
  6. Type and size of water control structures
  7. Location of water sources

**Note:** Appurtenant facilities including, but not limited to, storage buildings, parking areas and processing areas, may not be located in freshwater wetland. This limitation does not apply to pump houses, roadways, service areas and other appurtenant facilities directly related and needed to carry out the water related activities.

*\* For the Corps review, at least one set of project plans must be on 8 1/2" by 11" size paper. They must be clear, reproducible, and legible; and each sheet (including the location map) must have a consistent title block, numbering scheme, and date. **PLEASE NOTE THAT REDUCTIONS OF LARGE SCALE PLANS ARE NOT GENERALLY ACCEPTABLE TO THE CORPS.** The wetland delineation must be completed using the 1987 Corps of Engineers Wetland Delineation Manual, unless otherwise approved by the Corps. A COPY OF THE DELINEATION REPORT MUST BE SUBMITTED.*

- C. **Attach as Exhibit #3** a narrative describing:
1. Existing vegetation
  2. Water sources for the project
  3. Amounts, types, and sources of fill material to be discharged over the beds
  4. Amounts, types, and sources of fill material to be discharged in waters or wetlands
- D. **Attach as Exhibit #4** a soil erosion and sedimentation control plan that is consistent with erosion and sediment control specifications as determined by the Department of Agriculture, Food & Rural Resources and the DEP.
- E. **Attach as Exhibit #5** a plan for water recovery system, including either a reservoir or the cranberry beds themselves, that is designed to contain the runoff from the project area during a 10-year, 24-hour storm event.

- F. **Attach as Exhibit #6** a plan to maintain a 75-foot buffer strip from any river or stream draining a watershed of 100 acres or more. Excavated ditches and water intake and outfall pipes or control structures may be allowed in the 75-foot buffer area.
- G. **Attach as Exhibit #7** design specifications for water intake and outfall pipes and excavated ditches which must be consistent with specifications as determined by the Department of Agriculture, Food & Rural Resources and the DEP.
- H. **Attach as Exhibit #8** a plan to maintain minimum downstream flows for each water supply area, if a river, stream, or brook is used as a water supply. Minimum base flow is the aquatic base flow for that watershed, or a flow that can be shown to protect designated uses and characteristics assigned in Section 465. If a river, stream or brook will not be used as a water supply, this exhibit should clearly indicate that fact

*For Corps Review, submit a water source budget including the source of water, quantity removed from the source, the projected impact on adjacent wetlands (from drawdown, etc.), and back-up water supply source.*

- I. **Attach as Exhibit #9** a management plan that includes a pesticide and fertilizer program approved by the Department of Agriculture, Food & Rural Resources. The plan must include the following practices:
1. The application of nutrients and soil amendments in terms of timeliness, amounts, materials and method of application;
  2. The use of current integrated pest management practices for applying pesticides properly and in the minimum amounts necessary to control pests; and
  3. The management of water in terms of bed drainage, runoff disposal, sprinkler irrigation, control devices to separate natural water from pumping supply for irrigation purposes, back-siphoning prevention devices (for chemigation) and flooding.
- J. **Attach as Exhibit #10** a certification that the requirements for a "natural cranberry bog" cultivation project will be met, if applicable. See Subsection 2.D. of 38 M.R.S.A. 480-U.

#### *ATTACHMENTS FOR CORPS REVIEW*

*Information applicable to the Corps General Permit only:*

- A. **Attach as Exhibit #11** the soil series in the project area, confirmed by a field check.
- B. **Attach as Exhibit #12** a discussion of any alternatives that may avoid or minimize waterway or wetland impacts. For example, if a road crossing is proposed, was alternative access or crossing at a narrower point considered?
- C. **Attach as Exhibit #13** a discussion of any historic properties in the area. Applicants must submit a copy of the application and plans to the Maine Historic Preservation Commission at the same time or before they apply for Corps review. The MHPC can be contacted at 207-287-2132 for more information. Submit any Commission correspondence to the Corps upon receipt.

**FEES:** State application fee - **\$199.00**. Submit with application. Make checks payable to: Treasurer State of Maine. NO Corps application fees are required.

**SIGNATURE:**

By signing below the applicant (or authorized agent), certifies that he or she has:

Completed all of the public notice requirements listed on the next page of this application.

Read and understood the following:

**PRIVACY ACT STATEMENT**

Authority: 33 USC 401, Section 10; 1413, Section 404. Principal Purpose: These laws require permits authorizing activities in, or affecting navigable waters of the United States, the discharge of dredged or fill material into waters of the United States, and the transportation of dredged material for the purpose of dumping it into ocean waters. Routine Uses: Information provided on this form will be used in evaluating the application for a permit. Disclosure: Disclosure of requested information is voluntary. If information is not provided, however, the permit application can not be processed nor can a permit be issued.

**CORPS SIGNATORY REQUIREMENT**

U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry shall be fined not more than \$10,000 or imprisoned not more than five years or both.

**DEP SIGNATORY REQUIREMENT**

"I certify under penalty of law that I have personally examined the information submitted in this document and all attachments thereto and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the information is true, accurate, and complete. I authorize the Department to enter the property that is the subject of this application, at reasonable hours, including buildings, structures or conveyances on the property, to determine the accuracy of any information provided herein. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment." \*\*\*

"I hereby authorize the person named below to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application."

\_\_\_\_\_  
SIGNATURE OF APPLICANT

\_\_\_\_\_  
DATE

"Application is hereby made for a permit or permits to authorize the work described in this application. I certify that the information in the application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant."

\_\_\_\_\_  
SIGNATURE OF AGENT

\_\_\_\_\_  
DATE

➡ **NOTE:** Any changes in project plans must be submitted to the DEP and the Corps in writing and must be approved by both agencies prior to implementation. Failure to do so may result in enforcement action and/or the removal of the project changes.

**\*\*\* In general, the Department will not have to enter a building to ensure that a cranberry operation is in compliance with the NRPA. If the Department does find that entry into a building such as a pump house is necessary, the applicant will be notified and the reason for the inspection will be explained at least 24 hours prior to entry into the building.**

# INFORMATION CONCERNING THE FILING OF PUBLIC NOTICE

The Department of Environmental Protection requires that an applicant provide public notice in which he/she describes the project activity and where it is located. Three notices all using the same form (see Notice of Intent to File) are required. The notice requirements are as follows:

## 1. Newspaper

You must publish the Notice of Intent to File in a newspaper circulated in the area where the project is located. The notice must appear in the newspaper within 30 days prior to your filing the application with this Department.

## 2. Abutting Property Owners

You must send a copy of the Notice of Intent to File by certified mail to the owners of the property abutting the project. Their names and addresses can be obtained from the town tax maps or local officials. They must receive notice within 30 days prior to your filing the application with this Department.

List below the names and addresses of the owners of abutting property (attach an additional sheet if necessary)

NAME	ADDRESS

## 3. Municipal Office

You must send a copy of the Notice of Intent to File and a **duplicate of the entire application** to the Municipal Office.

## 4. Water Company/District

If the river, stream, or brook is used by a water company, municipality, or water district as a source of water supply, you must also, at the time of filing the application, forward a copy of the application to the water company, municipality, or water district by certified mail.

➡ **NOTE:** *The applicant shall use the Notice of Intent to File form on the next page or one containing identical information to notify abutters, municipal officials, and local newspapers.*

## NOTICE OF INTENT TO FILE

Please take notice that

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

is intending to file a Natural Resources Protection Act permit application with the Maine Department of Environmental Protection pursuant to the provisions of 38 M.R.S.A. Section 480-U

on or about (*anticipated filing date*) \_\_\_\_\_.

The application is for (*state specifically what is to be done*):

\_\_\_\_\_ the construction of a cranberry cultivation project. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

at the following location (*state project location*):

\_\_\_\_\_

\_\_\_\_\_

A request for a public hearing or a request that the Board of Environmental Protection assume jurisdiction over this application must be received by the Department, in writing, no later than 20 days after the application is found by the Department to be complete and is accepted for processing. A public hearing may or may not be held at the discretion of the Commissioner or Board of Environmental Protection. Public comment on the application will be accepted throughout the processing of the application.

The application will be filed for public inspection at the Department of Environmental Protection's office in (Portland, Augusta, Bangor) during normal working hours. A copy of the application may also be see at the municipal offices in

\_\_\_\_\_, Maine.

Written public comments may be sent to:

Department of Environmental Protection  
Bureau of Land and Water Quality  
17 State House Station  
Augusta, ME 04333-0017

# WRITTEN CERTIFICATION

## WETLAND CHARACTERISTICS EXHIBIT 1

I hereby certify that the cranberry cultivation project **will/will not** be located in a wetland that has one or more of the following characteristics:

#	Characteristic	Will	Will Not
1.	Is a coastal wetland or is located within 250 feet of a coastal wetland		
2.	Is a great pond		
3.	Contains endangered or threatened plant species listed under Title 5 Section 3315		
4.	Contains any type of palustrine natural community of which there are 20 or fewer occurrences in the State		
5.	Contains any of the following resources: <ul style="list-style-type: none"><li>Habitat for species appearing on the official state or federal lists of endangered or threatened species when there is evidence that the species is present **</li></ul>		
	<ul style="list-style-type: none"><li>As defined by rule by the Commissioner of Inland Fisheries and Wildlife, whether or not the resource has been mapped, high-value and moderate-value deer wintering areas; deer travel corridors; high-value and moderate-value waterfowl or wading bird habitats, including nesting and feeding areas; shorebird nesting, feeding or staging areas; or seabird nesting islands; or</li></ul>		
	<ul style="list-style-type: none"><li>Critical spawning and nesting areas for Atlantic sea run salmon as defined by rule by the Atlantic Sea Run Salmon Commission</li></ul>		
6.*	Is located within 250 feet of the normal high water line and within the same watershed of any lake or pond classified as GPA under Section 465-A		
7.*	Is a bog dominated by ericaceous shrubs, sedges and sphagnum moss and usually having a saturated water regime, except that applications proposing reclamation of previously mined peat bogs may be considered		
8.	Is land adjacent to the main stem of a major river, as classified in Section 467, that is inundated with flood water during a 100-year flood event and that under normal circumstances supports a prevalence of wetland vegetation, typically adapted for life in saturated soils; or		
9.	Contains at least 20,000 square feet of aquatic vegetation, emergent marsh vegetation or open water, except for man-made ponds or impoundments, during most of the growing season in most years; except that cranberry cultivation is allowed more than 250 feet from the edge of the area of aquatic vegetation, emergent marsh vegetation or open water.		

\* **NOTE:** A project to cultivate indigenous cranberries may be located in wetlands described in Numbers 6 and 7 if the project location is a natural cranberry bog and provisions of Subsection 2.D of 38 M.R.S.A. Section 480-U are met. A "natural cranberry bog" means an area with indigenous large cranberries, *Vaccinium macrocarpon* Ait., comprising more than 50% of the cover in the herbaceous layer; and "cover in the herbaceous layer" means all herbaceous or woody vegetation less than 10 inches in height.

\*\* *For Corps review, applicants must contact Linda Welch of the U.S. Fish & Wildlife Service at 207-827-5938 for information about federally listed threatened or endangered species or critical habitat in the project area. Any USFWS documentation must be included in this application.*

Signature\_\_\_\_\_

Professional Title\_\_\_\_\_